



June 24, 2008

Mary F. Rupp
Secretary of the Board
National Credit Union Administration
Alexandria, VA 22314

RE: Freedom of Information Act and Privacy Act Regulations

Dear Ms. Rupp:

On behalf of the National Association of Federal Credit Unions (NAFCU), the only trade association that exclusively represents the interests of our nation's federal credit unions (FCUs), I am responding to National Credit Union Administration's (NCUA) request for comment regarding Freedom of Information Act (FOIA) and Privacy Act regulations.

NAFCU commends the NCUA on proposing a clear rule. We believe that the proposed rule provides clear directions to persons interested in submitting requests for records and information under FOIA. Also, we believe that the proposed changes to NCUA's Privacy Act regulations would improve understanding of the regulations.

The proposed rule to amend NCUA's FOIA regulations would, in addition to making several housekeeping changes, identify where FOIA requests may be sent, how such requests must be addressed, and the information that must be included in the requests. NCUA also would clarify that for the purpose of computing the time by which a response must be provided, the proposed requirements regarding the correct address, the manner that requests must be addressed and the information to be included in the requests must be met. Additionally, two exceptions to the individual records exemption from disclosure would be added to the regulations. The exceptions would allow disclosure where the requester provides the subject person's written request to release the records or where by proof of death of the subject person.

NAFCU believes that the proposed rule will provide clarity to the process of submitting a FOIA request to the NCUA and will generally prove to be helpful to requesters. While we generally support the proposed rule, in regard to the requirement that each of the conditions are met for purposes of computing response time, we urge the agency to make reasonable efforts to ensure that NCUA information centers either notify the requester immediately after receipt of the deficient or incorrectly addressed request, forward the incorrectly addressed requests to the

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proper center, or if possible, process the request in the center to which it is addressed even if it was incorrectly addressed or the request has other deficiencies not critical to the substance of the response.

NAFCU generally supports adding to NCUA's FOIA regulations the two proposed exceptions to the individual records exemption from disclosure. However, we believe the agency should require a requester to obtain approval from the executor of a deceased person's estate and show proof of that approval before a request of a deceased individual's records can be processed. Such requirement would be consistent with the condition of release upon written consent by a living individual whose records are subject to the FOIA request. We believe that records of individuals who are deceased should be afforded more protection than is provided by the proposed rule.

NAFCU appreciates this opportunity to share its comments on the proposed rule. Should you have any questions or require additional information please call me or Tessema Tefferi, NAFCU's Associate Director of Regulatory Affairs, at (703) 522-4770 or (800) 336-4644 ext. 268.

Sincerely,

A handwritten signature in dark ink, appearing to read "B. Dan Berger", with a stylized flourish at the end.

B. Dan Berger
Senior Vice President of Government Affairs
BDB/tt